

Agee's Revenge

It's past time to kill the Intelligence Identities Protection Act.

JESSE WALKER | 7.14.2005 12:00 AM

Before Neil Bush had some trouble with a failed savings and loan and before Jeb and W. entered politics, George H.W. Bush's most famous child was the Intelligence Identities Protection Act, passed with much fanfare in 1982. Under that law, an official who deliberately reveals a covert agent's identity faces 10 years' imprisonment and a \$50,000 fine; it was passed to stop the activities of former CIA case officer Philip Agee and the magazines *Counterspy* and *Covert Action Information Bulletin*, which between them had exposed over 2,000 alleged agents of the company. For former CIA chief Bush, such revelations were an outrage: They had led, he argued, to the death of one agency employee—Athens station chief Richard Welch, assassinated by Greek leftists on December 23, 1975—and they had to be stopped before they killed anyone else.

Now the law is back in the news, thanks to Robert Novak's 2003 column revealing that Valerie Plame, wife of Iraq war whistleblower Joe Wilson, did undercover work for the CIA. *Newsweek* has fingered Karl Rove, the president's chief political adviser, as the man who leaked Plame's other identity to the press; he soon may be in trouble under the act aimed at Agee. One reporter has been jailed for refusing to cooperate with the investigation, and another barely missed imprisonment. All for an edict that shouldn't have been passed in the first place and ought to be junked today.

If Bush was the law's father, Agee was its godfather. (As Rep. Bill Young of Florida put it during the House's debate over the bill, "What we're after today are the Philip Agees of the world.") Agee had worked for the CIA from 1957 to 1968, conducting covert operations in several Latin American countries before he grew disillusioned with his employer, his government, and capitalism. According to his 1975 book Inside the Company: CIA Diary, he decided in 1971 "to name all the names and organizations connected with CIA operations and to reconstruct as accurately as possible the events in which I participated. No more hiding behind theory and hypothetical cases to protect the tools of the CIA's adventures." He also wrote explicitly about the assistance he received from the government of Cuba (where "research materials could be found and even research assistance arranged").

In 1999 Vasili Mitrokhin, a former KGB librarian who had secretly copied thousands of files and then donated them to British intelligence, offered a more sinister account of Agee's behavior in his book The Sword and the Shield. According to Mitrokhin and co-author Christopher Andrew, Agee had directly approached the KGB with information about the CIA's work (which they initially rejected as unreliable, but later got via the Cubans instead); Soviet and Cuban intelligence had not only provided content for *Inside the Company*, Mitrokhin revealed, but had persuaded the author to excise "all references to CIA penetration of Latin American Communist parties." The book also says that the KGB and Cubans were among the forces behind *Covert Action Information Bulletin*, though "there is no evidence in Mitrokhin's notes that any member of the [magazine staff], apart from Agee, was conscious" of the spies' role.

Agee, who today runs a travel agency in Havana, has consistently denied doing covert work for the communists. I'm inclined to believe Mitrokhin myself, but what's striking is that *either way*, there's little rationale for Bush Sr.'s pet legislation.

For one thing, the most lurid charge lurking behind the law—that it would have saved the life of Richard Welch—doesn't hold up. *Counterspy* did publish his name twice in the year before the shooting, though it identified him as working in Peru. (He was posted there before going to Greece.) His identity was already widely known; CIA chief William Colby initially blamed the magazine for the assassination, but later backpedaled and attributed it to "bad cover." No other deaths have been linked to the public revelation of a CIA agent's identity—and only one person has been convicted under the Intelligence Identities Protection Act since it was passed 23 years ago. The law is a solution in search of a problem.

That shouldn't be surprising, if Mitrokhin's account is accurate. According to *The Sword and the Shield*, KGB agent V.N. Kosterin headed a taskforce that supplied *Covert Action Information Bulletin* with data until, "increasingly concerned about the difficulty of finding enough secret material," the magazine's benefactors "recommended that it look harder for open-source material" instead. Mitrokhin and Andrew also write that two KGB officials gave Agee "a list of CIA officers working on the African continent," subsequently published in the book Dirty Work II. It's not clear to what extent these lists were accurate and to what extent they were disinformation, but the people who provided the names presumably knew which was which. Whatever else suppressing such publications would have accomplished, it clearly wouldn't have kept any intelligence from the Russians.

Furthermore, whether or not Mitrokhin's claims hold up, the bulk of the people involved with publishing those names were *not* conscious agents of the Soviet Union. That's important to remember, because it's too easy to read this history through a Cold War gloss and to forget that most of the CIA's American critics had no sympathy for Moscow. In the 1970s, two congressional committees, one executive-branch commission, and countless journalists exposed a horror gallery of CIA crimes: The agency had spied illegally on domestic dissidents, dosed unsuspecting Americans with LSD and other drugs, disseminated disinformation at home and abroad, and assassinated inconvenient foreigners. In Greece, the agency had assisted the coup that replaced an elected government with a junta that killed thousands of people, censored the press, and tortured political prisoners. (When Welch was killed, it had been barely a year since the military regime was removed.) The identities of the CIA's employees were of interest not just to Greek terrorists and Soviet spies, but to ordinary people who wanted to know what the hell the national security state was up to. To manipulate their fears on behalf of a foreign power was a serious betrayal, but to make a real effort to uncover the government's misbehavior was not. Which did the Intelligence Identities Protection Act do more to stop?

Twenty-three years later, the Soviet Union has dissolved and the U.S. president has praised the former head of the KGB as "a man deeply committed to his country." An official investigation of a high-level leak seems to have that same president's political advisor in its sights, and Rove's apologists have been reduced to splitting semantic hairs to deny he violated the law. I don't know how it all will wash out, though it says something about the state of Washington's bureaucratic wars that the institution with the most to gain by blowing a spook's cover is now based not in Moscow but on Pennsylvania Avenue. I do know, fun as it is to watch Rove squirm, that there never was a need for the rule he's suspected of breaking.

Books Editor JESSE WALKER is the author of *Rebels on the Air* and *The United States of Paranoia*.

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